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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,961	08/22/2003	David M. Cooley	Cooley 2	8402
46900 7590 10/28/2008 MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102				
EXAMINER CHO, HONG SOL				
ART UNIT 2419		PAPER NUMBER		
MAIL DATE 10/28/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,961

Applicant(s)

COOLEY, DAVID M.

Examiner

HONG CHO

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/27/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 8/27/2008. Claims 1-24 are pending in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 11-13 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebis et al (US 6993290), hereinafter referred to as Gebis, in view of Johnson (US 6456234).

Re claims 1, 11, 21 and 22, Gebis discloses wirelessly providing access to specialized content by a user over the Internet (column 1, line 1 to column 2, line 3).

Gebis discloses a system comprising a portable personal radio (PPR) (*a user*, figure 1, element 12), a PPR server located between the Internet and the PPR (*wireless connection*

nodes in a geographically defined receiving area, figure 1, element 14; column 2, lines 28-30) and the wireless communication link between the two (wirelessly providing, over the Internet, access to specialized content by a user, providing one or more wireless connection nodes in a receiving area; delivering to said one or more connection nodes only content selected by an operator of said one or more wireless connection nodes, and transmitting said delivered content via said one or more connection nodes, column 2, lines 24-32). Gebis fails to disclose delivering content selected by the operator independent of the user. Johnson discloses pushing content (i.e. proactive content delivery) when appropriate, rather than in response to a user query (column 2, lines 21-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Gebis with the teaching of Johnson for the benefit of providing the efficient configuration of deliverable content for automatic delivery to mobile users based on their situational location that is relevant to receive such content.

Re claims 2 and 12, Gebis discloses receiving content from the server (*receiving said transmitted delivered content with a receiver configured to receive content transmitted via said one or more wireless connection nodes, column 2, lines 3-7).*

Re claims 3 and 13, Gebis discloses receiving a single stream of content over the wireless link (*transmitting the delivered content over a single channel, column 2, lines 63-66) and combining information from different sources by channel maxing (subdividing the single channel so that plural content elements are provided on plural stations within the single channel, column 3, lines 39-45).*

Re claims 23 and 24, Gebis discloses receiving transmitted delivered content at the first time and other transmitted delivered content at the second time, wherein the content available to the receiver at each of the first and second times is pre-specified based on the wireless connection node whose transmission the receiver receives, wherein when the users located in geographically defined receiving area enter other geographically defined receiving area, the users receive other transmitted delivered content with the receiver (column 3, lines 44-50).

Claims 4-10 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebis and Johnson in view of Schmidt (US 4765753).

Re claims 4 and 14, Gebis discloses receiving a single stream of content pertaining to user's interest (*separately tuning to each of plural stations*, column 2, lines 1-4), but fails to transmit a unique spreading code for each of plural stations, receive the unique spreading codes, select one of plural stations to play to play the delivered content by using unique spreading codes associated with the selected one of plural stations. Schmidt discloses separating message channels with different sets of code words and receiving information necessary for accessing channels by using spread codes (column 2, lines 11-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Gebis to implement the feature of sending a unique spreading code for each station so that only a user with proper spreading codes would access personalized information channels.

Re claims 5-7 and 15-17, Gebis discloses getting traffic report of commute route *(delivering content that is local to the proximity of the connection nodes and particular content type, column 2, lines 3-6).*

Re claims 8 and 18, Gebis discloses receiving content that pertains only to the user's personal interests *(reception of only the delivered content, column 2, lines 43-45).*

Re claims 9 and 19, Gebis discloses a PPR client establishing communication with a PPR server *(sending an uplink signal from a receiver to one or more connection nodes to enable the user to communicate with the one or more wireless connection nodes, column 2, lines 37-38).*

Re claims 10 and 20, Gebis discloses a PPR server receiving a subscription from a PPR client and providing information only pertaining to the client *(configuring said wireless connection nodes to receive said uplink signal and, based upon said signal, perform a function desired to be performed by said user, column 2, lines 51-57).*

Response to Arguments

4. Applicant's arguments filed on 8/27/2008 have been fully considered but they are not persuasive.

Applicant argues that Johnson does not teach or even suggest delivering content selected by the operator independent of the user by stating that content is delivered based

on user's previously configured interests. The examiner respectfully disagrees. It is clear that Johnson discloses transmitting set of delivery content from a delivery content database to the receiving data processing system according to the current situational location of the user without a user request (column 2, lines 65-67). Various examples on proactive content delivery based on geographically defined receiving area without a user request are taught in Johnson (columns 3 and 4).
Therefore, the Examiner concludes that the rejection of claims stands.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hong Cho/

Hong Cho
Patent Examiner, Art Unit 2419
10/22/2008